

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

E2INTERACTIVE, INC., and
INTERACTIVE COMMUNICATIONS
INTERNATIONAL, INC.,

Plaintiffs,

Case No. 3:09-CV-629-slc

v.

BLACKHAWK NETWORK, INC.,

Defendant.

DEFENDANT BLACKHAWK NETWORK, INC.'S NOTICE OF APPEAL

Notice is hereby given that Defendant Blackhawk Network, Inc. (“Blackhawk”) appeals to the United States Court of Appeals for the Federal Circuit from the Amended and Second Amended Final Judgments entered in this action (Docket Nos. 540 and 542), including the jury’s verdict of infringement. Blackhawk further appeals from any and all intervening orders, decisions, or rulings that gave rise to such final judgments and any subsequent orders, decisions, or rulings that failed to alter such final judgments, to the extent such orders, decisions, or rulings were adverse to Blackhawk, including without limitations:

1. The Opinion and Order dated April 24, 2011 (Docket No. 159) denying Blackhawk’s claim construction motion.
2. The Opinion and Order dated December 13, 2011 (Docket No. 258) denying Blackhawk’s motion for summary judgment regarding U.S. Patent No. 7,578,439 (“the ’439 Patent”).

3. The Final Pretrial Conference Order dated February 17, 2012 (Docket No. 414) denying Blackhawk's proposed construction that the "determining step" of the '439 Patent be based on the transaction type. The Court previously held at the Final Pretrial Conference that "the determining step is based on the requested transaction type." (Docket No. 408 at 38).
4. Text Order dated February 23, 2012 (Docket No. 431) denying Blackhawk's construction of the preambles to claims 1 and 19 of the '439 Patent.
5. The Court's denial of Blackhawk's objection to the jury instructions (Docket No. 452 at 138-172) regarding claim construction.
6. The Court's denial of Blackhawk's Rule 50 motions (Docket No. 452 at 173-177).
7. The liability jury verdict dated February 27, 2012 (Docket No. 450) and the damages jury verdict dated February 29, 2012 (Docket No. 467).
8. The Entry of Judgment on March 2, 2012 (Docket No. 473) to the extent it is adverse to Blackhawk.
9. The Opinion and Order dated October 22, 2012 (Docket No. 517) denying Blackhawk's motion for judgment as a matter of law, or in the alternative, a new trial.
10. The Opinion and Order dated December 6, 2012 (Docket No. 536) granting InComm's motion for an injunction and the Injunction dated December 6, 2012 (Docket No. 538).
11. The Opinion and Order dated December 6, 2012 (Docket No. 537) granting InComm's motion for supplemental damages, pre-judgment interest, and post-judgment interest.

12. The Entry of Amended Judgment dated December 13, 2012 (Docket No. 540) to the extent it is adverse to Blackhawk.

13. The Entry of the Second Amended Judgment dated December 28, 2012 (Docket No. 542) to the extent it is adverse to Blackhawk.

DATED: January 4, 2013

Respectfully Submitted,

/s/ R. William Sigler
R. William Sigler

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CERTIFICATE OF SERVICE

I hereby certify that on January 4, 2013, I caused this document to be electronically filed with the Clerk of Court using the ECF system, which will make these documents available to all counsel of record for viewing and downloading from the ECF system.

/s/ R. William Sigler

R. William Sigler